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WASHINGTON STATE CONSERVATION COMMISSION REGULAR MEETING

MINUTES

COLFAX, WASHINGTON
MAY 19, 2005

The Washington State Conservation Commission (Commission/WSCC) met in regular session May 19, 2005 at the Best Western in Colfax, Washington. Commission Chair Peters called the meeting to order at 8:30 a.m.

SUMMARY OF MOTIONS & ACTION ITEMS

1. *Approval of Consent Agenda*

Commissioner Barker moved to approve the March 17, 2005 Meeting Minutes and the attendance of the Executive Director, Commission Chair and Vice Chair National Association of Conservation Districts Southwestern/Pacific Region and Western Coalition Meeting in September 2005. Commissioner Eriksen seconded. Motion passed.

2. *Fiscal Year 2006-07 Water Quality Implementation Grants Program*

Commissioner Barker moved to approve the proposed funding allocation of the \$3,375,000 for Fiscal Year 2006-07 Water Quality Implementation Grants. Commissioner Boyum seconded. Motion passed.

3. *Fiscal Year 2006-07 Puget Sound Work Plan Grants Program*

Commissioner Eriksen moved to approve the proposed funding allocation of the \$814,800 for 2006-07 Puget Sound Work Plan Grants Program. Commissioner Faulconer seconded. Motion passed.

4. *Fiscal Year 2006-07 Professional Engineering Services Grants Program*

Commissioner Eriksen moved to approve the proposed funding allocation of the \$1,746,000 for Fiscal Year 2006-07 Professional Engineering Services Grants Program. Commissioner Barker seconded. Motion passed.

5. *Fiscal Year 2006 Basic Funding Match Grants Program*

Commissioner Barker moved to approve the proposed funding allocation of the \$363,749.75 for Fiscal Year 2006 Basic Funding Match Grants Program. Commissioner Boyum seconded. Motion passed.

6. *South Douglas Conservation District Appeal*

Commissioner Eriksen moved to deny the South Douglas Conservation District Appeal because it is the policy of the Commission for districts to obtain a signed cost share agreement with the private landowner prior to implementation. Commissioner Faulconer seconded. Motion passed.

The Commissioners requested further research by the Assistant Attorney General regarding liability when an agreement has not been signed.

7. *Franklin Conservation District Appeal*

Commissioner Stoker moved to grant the amendment for Franklin Conservation District Technical Assistance monies to be used for dairy cost share. Commissioner Barker seconded. Motion passed.

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8. *Conservation District Report Card*

It was suggested to send the report to the districts.

A few suggestions for the report were to categorize instead of alphabetize the data. Ranking the data of importance – most concerned, least concerned within those categories.

9. *Livestock*

Commissioner Selby would like to share information and combine efforts in working together with the districts and Ecology on these issues.

Commissioner Brown moved to accept the recommended Phase I of the WACD Livestock Committee. Commissioner Barker seconded. Motion passed.

Commissioner Adams thanked the Committee for their two step process. It would be helpful to have some speaking points in order to explain the process quickly when asked.

The Commission asked the Committee what it would be to keep technical assistance available and present the outcome at the next meeting.

Commissioner Barker moved to amend the motion to use the unallocated \$180,000 in addition to the amount in support of the Grant Conservation District technician for six months contingent on the technicians continuing services for the cluster of Adams, Warden, Moses Lake and Grant Conservation Districts. Commissioner Adams seconded. Motion passed.

It was suggested that an agreement may be signed so that these districts will work together. A briefing will be prepared for the next Commission meeting.

10. *Irrigation Efficiencies Fiscal Year 2006 Technical Assistance Budget*

Commissioner Eriksen moved to accept the recommended formula for Fiscal Year 2006 Technical Assistance for the Irrigation Efficiencies Program. Commissioner Barker seconded. Motion passed.

It was suggested that a Request for Proposal from the districts be sought for the technical assistance so that they have flexibility.

Commissioner Brown moved to amend the prior motion to include flexibility to the districts to build capacity and allow the districts an option in choosing the technical assistance to perform data collection and analysis. Commissioner Barker seconded. Motion passed.

11. *Irrigation Efficiencies Program Policy Clarification*

Commissioner Bahrych moved to approve Numbers 1 and 2 of the Irrigation Efficiencies Program Policy clarifications as presented. Commissioner Selby seconded. Motion passed.

Chair Peters suggested the Tribes as a good resource and would create good relationships.

Commissioner Stoker moved to approve Numbers 3 and 4 of the Irrigation Efficiencies Program Policy clarifications as presented. Commissioner Boyum seconded. Motion passed.

It was suggested to revise the Number 3 statement so that the districts are mentioned.

12. *Legal Discussion – Concerns from 2004 WACD Annual Conference*

Mr. Clark requested assistance from Ms. O'Shea in a general response letter from the Commission to Mr. Bertish. Ms. O'Shea agreed and will draft. It was suggested that it may be helpful to have a general policy or memo posted on the website outlining funding criteria from requestors or provide a link to the Washington State Constitution.

13. *Election Issues*

Commissioner Brown moved that a letter be written to the King Conservation District admonishing them that it is policy and not a guideline that a lock box, not a cardboard box, be used for election ballots. A written, signed affidavit/declaration from the polling officers stating

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that the boxes were not tampered with must be submitted to the Commission before the election will be announced. Commissioner Adams seconded. Commissioner Barker abstained.
Motion passed.

Commissioner Adams moved to begin the rulemaking process to develop rules in elections and appointments. Commission staff will bring forth a recommendation. Commissioner Selby seconded. Motion passed.

The term 'canvass the returns' was discussed. It is a legal term and generally means 'count'. Ms. O'Shea will research the term and respond to the Commission.

14. Public Comment – Rich Baden

Mr. Clark will discuss the Certified Planning Training and Freedom Information Act with the Field Service Managers. Mr. Clark will also discuss the issues concerning FSA with Rod Hamilton, FSA.

15. District Elections

Commissioner Brown moved to announce the following elections:

<i>Clallam, Robert Forde</i>	<i>Pine Creek, Joe St. John</i>
<i>Cowlitz, Kelly Niemi</i>	<i>San Juan County, Jerry Kasperek</i>
<i>Ferry, John Hamilton</i>	<i>Skagit, Paul Blau</i>
<i>Grays Harbor, Carl Waara</i>	<i>Spokane County, Randy James</i>
<i>Kitsap, Jacqueline Lovely</i>	<i>Underwood, Paul Newell</i>
<i>North Yakima, Dave Alden</i>	<i>Wahkiakum, Norman Bolton</i>
<i>Pacific, Mark Ashley</i>	<i>Whatcom, Jerald Van Dellen</i>
<i>Palouse-Rock Lake, Tracy Eriksen</i>	

Commissioner Selby seconded. Motion passed.

16. District Appointments

Commissioner Barker moved to approve the following supervisor appointments:

<i>Mason, Joseph Kropf</i>	<i>Wahkiakum, Wes Raistakka</i>
<i>Pierce, Lloyd Freudenstein</i>	<i>Warden, Don Underhill</i>

Commissioner Selby seconded. Motion passed.

17. National Association of State Conservation Agencies Conservation Delivery System Review

Commissioner Selby moved to approve \$2,500 for expenses to attend the NASCA Conservation Delivery System Review. Commissioner Boyum. Motion passed.

18. Governor's Reappointment of Jim Peters

Chair Peters' Governor appointed term ends in June 2005. A letter will be sent to the Governor supporting reappointment of Jim Peters and signed by the Executive Director.

19. WSCC Work Plan

The Work Plan notes will be compiled and presented at the July meeting for approval as a plan of action.

20. Direction on Land Use

Commissioner Barker moved for the Executive Director to draft a letter to the Governor responding to how conservation districts and the Commission could assist in addressing the needs for conservation of the state's agricultural and forest resource lands and present at the July 2005 Commission Meeting. Commissioner Brown seconded. Motion passed.

Commissioners Boyum, Bahrych and Barker, will assist in writing the letter.

21. Commission Administrative Policies

New Policy of Officers and Committees of the Commission

Commissioner Boyum moved to add "one at-large agency position" to the Policy and Procedure of the Officers and Committees of the Commission proposed policy. Commissioner Adams seconded. Motion passed.

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Commission Meeting Agenda

Commissioner Selby moved to approve the deletion of the Commission Meeting Agenda policy but include as a procedures in the Commissioner's Handbook. Commissioner Stoker seconded. Motion passed.

22. Engineers, Surveyors, Boundaries

Agencies such as the Department of Natural Resources, Agriculture and Ecology have standard engineering practices with experience in surveying and boundary surveys. Comments will be presented at the July Commission meeting.

23. Walla Walla Community College Advisory Board

Commissioner Selby moved to appoint Commission staff represent the Commission on the Walla Walla Community College Advisory Board if a Commissioner is not available. Commissioner Brown seconded. Motion passed.

24. Conservation Assistance Revolving Account (CARA) - Practice Incentive Payment

It was suggested that Commission staff notify the appropriate budget staff of the missing language so that the correction can be made. Rod Hamilton, FSA, would like to be informed if a change takes place because it will require an administrative change for FSA.

25. Consolidate Salmon and Watershed Pilot

The Salmon and Watershed Data funding was consolidated and money appropriated to the Office of the Interagency Committee to be used by the Commission. A request for proposal will be drafted. Tom Salzer and George Boggs would like to be involved.

ATTENDEES

Commission Members

Jim Peters, Chair
Lynn Brown, Vice Chair
Bill Boyum, Member, DNR
Lynn Bahrych, Member
Robert Barker, Member
Paul Stoker, Member, WACD
Tracy Eriksen, Member
Lee Faulconer, Member, AG
Melodie Selby, Member, ECY
Ed Adams, Member, WSU

Commission Staff

Mark Clark, Executive Director
Mary Anderson, Executive Assistant
Tom Salzer, Field Service Manager
Cheryl Witt, Contracts Specialist
Ray Ledgerwood, Program Coordinator
Jon Culp, Irrigation Efficiencies Manager

Guests

Gus Hughbanks, NRCS
Fred Colvin, WACD
Don Larsen, DFW
George Boggs, Whatcom CD
Rich Baden, Spokane County CD
David Swannack, Palouse Rock Lake CD

Cheryl Sonnen, Asotin County CD
Lance Horning, Whitman CD
Rob Buchert, Palouse CD
Sharonne O'Shea, Assistant Attorney General
Larry Cochran, Palouse CD

ADDITIONS/CORRECTIONS TO AGENDA

Chair Peters opened discussion for additions to the preliminary agenda.

Mark Clark, Executive Director, made these changes to the agenda:

- Drought document.
- Coordinated Resource Management – Delete from agenda.

INTRODUCTIONS & MEMBER/PARTNERSHIP REPORTS

Rod Hamilton, Farm Service Agency (FSA)

Patricia O'Brien – New member on State Committee.

Emergency Conservation Program – More demand than money. First come, first served.

Cost Share Buffers – Reviewing and anticipate making some changes to bring more flexibility.

John Larson, Executive Director -Washington Association of Conservation Districts (WACD)

WACD Issue Committees – They are directly relating to commission operations, technical assistance, cost share, and supervisor appointments.

Conservation Security Program (NRCS)-Providing assistance to NRCS, local workgroups and Commission staff.

Gus Hughbanks, Natural Resources Conservation Service (NRCS)

Conservation Reserve Program –Contracts have been written but currently a moratorium is in effect for CRP planting. Additional funds may be available later in the year.

Conservation Security Program – More information will be available when sign up closes on May 27.

George Boggs, Washington Association of District Employees (WADE)

WADE Training and Conference – June 20-22 in Leavenworth.

Follow –up from January Commission Meeting – A draft document of the levels of contribution will be available at a later date.

Commissioner Ed Adams, WSU College of Agricultural, Human and Natural Resources

Dean and Director of Washington State University Extension- Linda Kirk Fox.

Professor & Dean School of Molecular Biosciences, College of Sciences - Michael Griswold.

Extension County Director – Paul Carter.

Commissioner Lynn Bahrych, Washington Environmental Council

2005 Environmental Agenda –Two of the four issues have been signed into legislation. Banning Toxic Flame Retardants will be brought back next year. New initiatives are being worked on.

Environmentalists will meet to prioritize. Land use and a way to deal with current initiatives will definitely be on the list.

Georgia Basin/Puget Sound Conference –Represented the Commission and will summarize issues important to WSCC.

Commissioner Bill Boyum, Department of Natural Resources

Sustainable Forestry on Western Washington State Trust Lands – Final Environmental Impact Statement is completed and will be released in August or September.

Forest & Fish – Federal Assurances Program. The Habitat Conservation Plan and Draft Environmental Impact Study is currently open for public comment. Meetings are being held.

Commissioner Melodie Selby, Department of Ecology (Ecology)

Concentrated Animal Feeding Operation (CAFO) – Technical was appealed and turned down. June 15th is the deadline for appealing to the Supreme Court. Currently they are looking at options of a general permit. There is a need to provide a way to comply with the law once it is determined.

Stream Gauging – Seeking ways to sustain the gauges into the future. It may be more efficient to partner with the conservation districts.

Commissioner Lee Faulconer, Department of Agriculture (Agriculture)

Governor's Monitoring Forum – Currently, the subcommittee is working on implementation and efficiencies in monitoring. Several federal agencies are interested. There are high level indicators for

salmon. Districts do so much more for salmon recovery, but it may take years to fruition and usable indicators.

LDOC Committee – A meeting will meet in Ellensburg at the end of May.

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PUBLIC COMMENTS

Rich Baden, Executive Director of the Spokane County Conservation District Chair

Mr. Baden requested discussion, at an appropriate time, from the Commission on these issues:

- Certified Planning Training – glowing reports (NRCS sponsored). How do we make the plan work, and address cultural resources. There is not an agreement with the districts and the State Historical Society. Is there a way to receive a blanket agreement for all of the districts?
- Freedom of Information Act – requested information on data to compile state revolving funds program which areas are covered, the number of acres and describe in words. They are unable to get the information from FSA because districts are considered public. Why is there confusion at times that districts are considered public or local governments?

George Boggs, Whatcom CD

Mr. Boggs attended a Georgia Basin /Puget Sound Conference in Victoria. Conference discussion was centered around air quality and that it is degraded. Mr. Boggs made some connections with Canadian opposites who invited him to participate in strategies (agriculture, etc.). They will be having a meeting with districts and three air quality agencies to address new resource concerns. The Commission will be invited. West coast collaborate have identified diesel engines as a number one cancer carcinogen in Oregon and Washington. Wood burning for heat is also high on the list. More training is recommended. Districts can work with landowners to bring some solutions to the table.

DECEMBER 2004 WSCC COMMISSION MEETING ACTION UPDATES

Mark Clark, Executive Director, gave an update the action items from the previous Commission meeting.

- Lumni Tribe Fund Research – Not completed.
- Dairy Monies – Grants Item. Decisions will be brought before the Commission.
- Consolidation – Information sent to Commissioners. July Commission Meeting.
- Letter to Natural Resources Conservation Service regarding the Environmental Quality – After discussion decided to hold off for now.

APPROVAL OF THE CONSENT AGENDA

Chair Peters opened the consent agenda. A request was made by Commission Boyum to take the Proposed Commission Policy on the Executive Committee of the Commission and move to Commission Operations for discussion.

A discussion was held regarding corrections to the March 17, 2005 Meeting minutes. Corrections will be incorporated into the minutes.

Commissioner Barker moved to approve the March 17, 2005 Meeting Minutes and the attendance of the Executive Director, Commission Chair and Vice Chair National Association of Conservation Districts Southwestern/Pacific Region and Western Coalition Meeting in September 2005. Commissioner Eriksen seconded. Motion passed.

WSCC GRANTS PROGRAM

Fiscal Year 2006-07 Water Quality Implementation Grants Program

Cheryl Witt, Contracts Specialist presented the Water Quality (WQ) Implementation Grants Program proposal for 2005-07. Three evaluation committees met and had good participation. All of the districts were evaluated to be in the higher level funding.

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1 **Commissioner Barker moved to approve the proposed funding allocation of**
2 **the \$3,375,000 for Fiscal Year 2006-07 Water Quality Implementation**
3 **Grants. Commissioner Boyum seconded. Motion passed.**

4 ***Fiscal Year 2006-07 Puget Sound Work Plan Grants Program Proposed Funding Allocation***

5 Ms. Witt presented the information. Available funding will be distributed in equal amounts for
6 implementation. Each district coordinates with the representative from Puget Sound Action Team Council
7 in developing the scope of the work plan.

8 **Commissioner Eriksen moved to approve the proposed funding allocation of**
9 **the \$814,800 for 2006-07 Puget Sound Work Plan Grants Program.**
10 **Commissioner Faulconer seconded. Motion passed.**

11 A discussion was held regarding prior distributions. The proposed distribution will be distributed in the
12 same manner.

13 ***Fiscal Year 2006-07 Professional Engineering Services Grants Program***

14 Lance Horning, Whitman Conservation District SE Cluster Engineer presented. Good discussions were
15 held at a meeting of the Professional Engineering Committee that was held in April. It was agreed that the
16 funding outcome would remain the same as what has been done in the past in providing equal funding for
17 the clusters. There is support for clusters to have authority that will provide strength within the clusters so
18 that they can run their programs.

19 The Committee recommends the Legislature's authorized funding minus the administrative fee available
20 for a total of \$1,746,000 distribution.

21 **Commissioner Eriksen moved to approve the proposed funding allocation of**
22 **the \$1,746,000 for Fiscal Year 2006-07 Professional Engineering Services**
23 **Grants Program. Commissioner Barker seconded. Motion passed.**

24 A discussion was held regarding vacancies and number of districts participating in the clusters.
25 Conservation districts may contract out with other cluster engineers. It was also noted that there is an
26 existing policy in place for clusters to share engineers. The issue lies in the compensation for those
27 services.

28 There was also discussion on the low percentage for administrative costs. Mr. Clark noted that there has
29 been discussion on looking at those percentages.

30 ***Fiscal Year 2006 Basic Funding Match Grants Program***

31 Carolyn Kelly of Skagit Conservation District presented.

32 The initial allocation would go out as proposed with the old money at approximately \$10,392. The District
33 Operations Committee would propose a plan for the allocation of the extra \$200,000 when it is received.
34 Information will be given to the Commission in July so that a final decision can be made in September by
35 the Commission.

36 An idea from the committee was to have the extra money linked to capacity building. Allocation based on
37 need and ability to match the money.

38 The Puget Sound funding is distributed the same way that it has been done in prior years. This fiscal year
39 each district will receive \$13,500. The committee will look at the distribution further.

40 **Commissioner Barker moved to approve the proposed funding allocation of**
41 **the \$363,749.75 for Fiscal Year 2006 Basic Funding Match Grants Program.**
42 **Commissioner Boyum seconded. Motion passed.**

43 ***South Douglas Conservation District Appeal***

44 Ms. Witt informed the Commission that the Grants Staff denied a Water Quality Implementation Grant
45 reimbursement voucher from South Douglas Conservation District for hydroseeding because our current

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1 policies state that for an item to be eligible there must be a cost share agreement, or the site must be a
2 demonstration of new or innovative best management practices (BMPs). South Douglas Conservation
3 District did not have a cost share agreement with the landowner, and hydroseeding is not considered a new
4 or innovative BMP. The South Douglas Conservation District is appealing the Grants Staff decision.

5 Mark Clark, Executive Director stated that the District was attempting to step in and solve a serious
6 problem. The Commission supports the district in solutions. There is concern in treating a private
7 landowners land without a cost share agreement. There was a verbal agreement, but no written agreement
8 with the Commission. Guidance was not sought from the Commission by the district. Mr. Clark
9 recommended that the Commission deny the methodology but requested support of the District's quick
10 action.

11 **Commissioner Eriksen moved to deny the South Douglas Conservation**
12 **District Appeal because it is the policy of the Commission for districts to**
13 **obtain a signed cost share agreement with the private landowner prior to**
14 **implementation. Commissioner Faulconer seconded. Motion passed.**

15 A discussion followed regarding property rights and potential liability to the district and Commission.
16 It was suggested that the Commission Chair and Vice Chair talk with the District.

17 The Commissioners requested further research by the Assistant Attorney General regarding liability when
18 an agreement has not been signed.

19 *Franklin Conservation District Appeal*

20 Ms. Witt introduced the appeal by the Franklin Conservation District, and Commissioner Paul Stoker
21 presented the appeal letter from the district, and provided the context and background on the issue.

22 Current Commission policy requires districts to return extra dairy technical assistance funds to the
23 Commission for redistribution to a list of operator cost share needs authorized at the March Commission
24 meeting. Franklin CD would like to use their extra technical assistance funding for one of their operators
25 needing cost share to reach certification.

26 After discussing the issue, Commissioners agreed the operator cost share needs list compiled in March
27 may have not been complete.

28 Commissioner Stoker recommended Franklin CD be allowed to use their excess technical assistance
29 funding as cost share to assist their operator reach certification.

30 **Commissioner Stoker moved to grant the amendment for Franklin**
31 **Conservation District Technical Assistance monies to be used for dairy cost**
32 **share. Commissioner Barker seconded. Motion passed.**

33 Discussion followed regarding the time for the work to be done. There are districts who can use cost share
34 before the end of the biennium. Other districts have made the same request to use excess technical
35 assistance funding for cost share for their respective operators.

36 Commission staff recommends the Commission allow other district to convert excess dairy technical
37 assistance funds to cost share for use with their respective operators with sidebars that provide guidance.

38 **Commissioner Brown moved to amend the motion to distribute funding to**
39 **those dairy districts wishing to use excess technical assistance funds as cost**
40 **share for their respective operators contingent on the cost share being spent**
41 **by June 30, 2005 and its use results in the operator reaching certification.**
42 **Commissioner Bahrych seconded. Motion passed.**

43 A discussion followed regarding budget timelines and the guidelines pertaining to technical assistance and
44 cost share grants. It is important to expedite the process and get the improvements on the ground so the
45 money is used. Commission staff recommends sidebars to provide guidance.

Grants Staff Report

Ms. Witt gave a Grants Staff Report of activities.

- Staff executed the NRCS contracts for TSP.
- The Engineering Program needs assessments with the clusters, resulted in excess funding returned by one PE grant being used to meet the needs of two other PE grants with funding shortfalls.
- Hired Eric Kopp for the Grants Program. This is a six month project position.
- Debbie Skogen will be with the agency through the end of November.

Grants Administrative Procedures Manual Update

Ms. Witt gave an overview of the updated Manual. The manual is updated every biennium. These are general administrative procedures that apply to all Commission grants. The update began in October 2004. In November 2004 sections were reviewed by the State Auditor. In January 2005 a draft was distributed to the conservation districts, Commissioners and staff for comments. In April 2005, the comment response summary was compiled. The finalized manual will be distributed to CD in time for the new biennium.

Additions:

- Small works roster process as an alternative to the competitive bid process. A Memorandum of Understanding established with the counties to use their work roster allows the district an alternative.
- Added is a detailed process for disposition of assets purchased with grant funds.
- Definition and clarification of Envirothon costs that can be charged to Commission grants.
- Conservation Districts requirement to submit invoice voucher forms at least quarterly, even if expenses have not been incurred.
- Additional method for computation of overhead.
- Revision of volunteer services match calculation.
- Strengthened emphasis on the Water Quality Implementation Grant match requirements.
- Strengthened back up requirements for cost share reimbursements.

Conservation District Report Card

Ms. Witt reported on the late Basic Funding Grant applications and invoice vouchering.

It was suggested to send the report to the districts.

Ms. Witt asked the Commission for suggestions on the report so that the criteria is meaningful and gives them the information they want to see. A few suggestions for the report were to categorize instead of alphabetize the data. Ranking the data of importance – most concerned, least concerned within those categories.

Discussion continued on the report.

LIVESTOCK

Fred Colvin presented the WACD Livestock Committee funding recommendation for livestock funding in the 2005-07 Biennium. Two phases of funding distribution were developed by the Committee in collaboration with the districts, Washington Cattlemen's Association, the Dairy Federation, WSU Cooperative Extension and the Washington Department of Agriculture. Phase I was proposed. To move forward on Phase II, districts will inform livestock owners and weigh their responses.

The distribution is short term so they can weigh in and make adjustments if necessary. Dairy districts are included in Phase 1 (existing funding level) to receive technical assistance funding in this biennium in order to complete their dairy nutrient management plans. Updates to those plans still need to be completed so that they are in compliance with the law. It was noted that the Department of Agriculture is still referring the dairy inspections to the districts. This may allow the other districts to assess their workload.

Commissioner Selby would like to share information and combine efforts in working together with the districts and Ecology on these issues.

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1 **Commissioner Brown moved to accept the recommended Phase I of the**
2 **WACD Livestock Committee. Commissioner Barker seconded. Motion**
3 **passed.**

4 Discussion followed. Commission staff is working with the Dairy Federation and districts to determine the
5 type of assistance needed for the dairies. There is a desire to have ongoing assistance. It is vital that the
6 districts group and work together to solve issues quickly. It was noted that there may be an issue with the
7 distribution to the consolidated districts. Some districts chose not to cluster. The Committee will
8 encourage districts to group.

9 Commissioner Adams thanked the Committee for their two step process. It would be helpful to have some
10 speaking points in order to explain the process quickly when asked.

11 The Commission asked the Committee what it would be to keep technical assistance available and present
12 the outcome at the next meeting. Mr. Colvin agreed that the Committee can look at the original concept.

13 **Commissioner Barker moved to amend the motion to use the unallocated**
14 **\$180,000 in addition to the amount in support of the Grant Conservation**
15 **District technician for six months contingent on the technicians continuing**
16 **services for the cluster of Adams, Warden, Moses Lake and Grant**
17 **Conservation Districts. Commissioner Adams seconded. Motion passed.**

18 It was suggested that an agreement may be signed so that these districts will work together. A briefing will
19 be prepared for the next Commission meeting.

21 **IRRIGATION EFFICIENCIES**

22 Jon Culp, Irrigation Efficiencies Program Manager gave an update.

23 There has not been much activity in the Irrigation Efficiencies Program because of the time spent on the
24 drought and water activities. Two contracts have been signed since December but will pick up in the
25 spring.

26 The Management Team and Perry Harvester (Ecology) have been working together with Ecology's policy
27 staff per the Commission directive last year. A planning meeting was held on January 31, 2005 which was
28 attended by districts, stakeholders, two Commissioners, and Commission staff. The group worked together
29 to refine those issues and came up with policy recommendations to make the program work more
30 effectively. Some of those policies require more work and will be recommended to the Commission at a
31 later date.

32 A recommendation was made to work with the Walla Walla Community College to perform data
33 collection, analysis, etc. It would create consistency and be cheaper. The College was highly
34 recommended by Ecology's Water Resources Trust staff. Currently, the College is working with the
35 Columbia and Walla Walla County Conservation Districts performing the same work for them.

36 ***Drought Response - Irrigation Efficiencies Program***

37 Develop funding protocol for efficiencies drought response to allow us to be more effective not only in
38 short term but in long term as well. The initiative had WDFW develop a partial list of Geographic Priority
39 Areas (currently only in the Walla Walla basin) in order to concentrate our efforts for immediate drought
40 mitigation. Matching of water acquisition program monies and the transfer of saved water was discussed.
41 One hundred percent of the 'net water savings' must be transferred to the State's Trust Water Rights
42 Program into perpetuity. A contract would have to be entered prior to June 30 and would have to agree to
43 put the water in trust up front.

44 ***Irrigation Efficiencies Fiscal Year 2006 Technical Assistance Budget***

45 Mr. Culp presented the formula for Fiscal Year 2006 Technical Assistance Budget and gave an overview
46 of each of the items. Mr. Culp requested direction or approval in formulating budget awards.

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Commissioner Eriksen moved to accept the recommended formula for Fiscal Year 2006 Technical Assistance for the Irrigation Efficiencies Program. Commissioner Barker seconded. Motion passed.

A discussion followed on providing options for the data collection to districts.

It was suggested that a Request for Proposal from the districts be sought for the technical assistance so that they have flexibility. It was noted that the districts participated in the discussion and were not opposed to using the Walla Walla Community College because of the existing established relationship.

There is a need for capacity building within the districts. Cluster engineers can provide oversight and give more control to the districts. The ability to enter into one contract versus thirty three was considered. An interagency master agreement with the Walla Walla Community College setting limits can be made with the actual contract and billing made through the districts.

Commissioner Brown moved to amend the prior motion to include flexibility to the districts to build capacity and allow the districts an option in choosing the technical assistance to perform data collection and analysis. Commissioner Barker seconded. Motion passed.

2005-07 Project Prospects

Mr. Culp reviewed the anticipated costs.

Irrigation Efficiencies Program Policy Clarification

Mr. Culp requested approval for policy clarifications as presented.

1. Only the cost of formal engineering/design and the cost of performing a cultural resources survey may be incurred against a pending cost share agreement upon the granting of the eligibility by the Commission's program manager. No other expense may be incurred toward a pending cost share contract without prior written approval of the Commissions program manager.
2. The cost of the performance of a cultural resource survey will be shared with the landowner as an imbedded component of the cost share contract. The nine month project implementation window will not begin until after the cultural resource survey is completed (in those instances where the cultural resource survey is performed after the contract is entered into).

Commissioner Bahrych moved to approve Numbers 1 and 2 of the Irrigation Efficiencies Program Policy clarifications as presented. Commissioner Selby seconded. Motion passed.

A discussion followed on the range of cost for the cultural resource survey. Chair Peters suggested the Tribes as a good resource and would create good relationships. Some districts have Tribes nearby that can perform the cultural resource assessment.

3. Trust water rights will be issued concurrent with the Department of Ecology's signing of the cost share contract. The application, now a consolidated document with the Efficiencies eligibility form, will be filled out by the district and the landowner and acted on as soon as Ecology has determined initial validity and extent. The application can be "pulled" by the landowner at any time during the planning phase prior to the enactment of the contract. No project will be eligible for Efficiencies without the consolidated application form on file with the Efficiencies program manager and the appropriate regional trust water rights coordinator.

It was suggested to revise the Number 3 statement so that the districts are mentioned.

4. Projects or portions of projects that address the application efficiency on farm from the inlet of the pump, the feeder pipe, the pad and pivot through the nozzle will require a design by a Certified Irrigation Designer. Conveyance Efficiency projects or portions of projects will require a design provided by a state licensed professional engineer or someone with NRCS job approval authority.

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Mr. Culp stated that he wants to assume the same policy as NRCS.

Commissioner Stoker moved to approve Numbers 3 and 4 of the Irrigation Efficiencies Program Policy clarifications as presented. Commissioner Boyum seconded. Motion passed.

Commissioner Bahrych thanked Mr. Culp for his hard work and appreciates the Program.

DROUGHT

Mr. Culp gave an update on the drought issues.

LEGAL SESSION

Concerns Raised from WACD Annual Conference

Sharonne O'Shea, Assistant Attorney General provided information regarding concerns about the use of public funds to support religious activity raised from WACD Annual Conference and was available to the Commission for general discussion.

Ms. O'Shea stated that money supporting activity and involvement can blur the lines of private versus public. WACD conferences are funded by and large by public dollars. The Washington State Conservation Commission (WSCC) is often times approached to give invocations. Because the WACD is a separate entity, indirect activities control of funding and staff.

Ms. O'Shea suggested setting criteria when money is funded that it is not supporting activity and involvement in religious activities. It would be helpful to identify allowable and non-allowable activities within a contract when providing funding to another group. No religious activities should be funded by WSCC in an official capacity. Commission members may do so in their private capacity or attend a religious function in a private capacity. WSCC needs to be aware of the appearance even if the involvement is specific.

The Washington State Constitution is different the Federal Constitution in its language. The Washington State Constitution clearly identifies state institutions that can pay for religious functions. WSCC is not on the list.

A discussion was held regarding options for the Washington Association of Conservation District (WACD) Annual Meetings. Some ideas included the Commission earmarking its contribution to specific items of the program that do not have religious activities involved. WACD creates a clear agenda with notice of religious activities so that participants may chose not to attend. Read a non religious poem or a conservation message instead of invocation.

John Larson, WACD Executive Director commented that these issues are understood and have been raised within the Association. The WACD Officers and Directors will work on finding a way to continue to achieve the goals within the meetings and comply with the State laws. The Commission appreciates the work that will be done with the WACD Officers and Directors in addressing these issues and would like to be informed when the discussion has taken place.

Mr. Clark requested assistance from Ms. O'Shea in a general response letter from the Commission to Mr. Bertish. Ms. O'Shea agreed and will draft. It was suggested that it may be helpful to have a general policy or memo posted on the website outlining funding criteria from requestors or provide a link to the Washington State Constitution.

Election Issues

Ms. O'Shea addressed concerns raised by Commission staff regarding election procedures and whether they were followed or not for the "ballot box" at the King Conservation District.

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Ms. O'Shea stated that policies allow for deviation and are not treated as a rule. Violations of policy do not automatically mean an election cannot be certified. Policies are created to ensure specific items are accomplished. WSCC has the option to use discretion on their decisions. If it is rule, we cannot.

Ms. O'Shea strongly encouraged the Commission to make election procedures in rule. The Commission does not have the ability to invalidate an election. WSCC could ask the court to invalidate. Currently, the term 'certify' is used by the Commission, the language in RCW 89.08.190 requires the Commission to "canvass the returns and announce the official results thereof."

A discussion followed. Election procedures were created in a lengthy process that included the districts and their comments. The procedures were formed and distributed to each district as well as provided on the WSCC website.

It was suggested that an official document for the district polling officers to sign that verifies that there was no tampering with the ballot boxes and put it into rule.

A concern was raised regarding the Commissions authority to certify elections. Rulemaking would authorize the Commission to certify.

Mr. Clark stated that he spoke to the King Conservation District regarding this issue and was told that the boxes were sealed and that the ballots were not compromised. Perception is the key issue.

Commissioner Brown moved that a letter be written to the King Conservation District admonishing them that it is policy and not a guideline that a lock box, not a cardboard box, be used for election ballots. A written, signed affidavit/declaration from the polling officers stating that the boxes were not tampered with must be submitted to the Commission before the election will be announced. Commissioner Adams seconded. Commissioner Barker abstained. Motion passed.

A discussion followed. The concern was reiterated regarding rulemaking and the Commission's authority. By creating rules it would enable the statutory powers of the Commission's to validate or invalidate elections.

Commissioner Adams moved to begin the rulemaking process to develop rules in elections and appointments. Commission staff will bring forth a recommendation. Commissioner Selby seconded. Motion passed.

A discussion followed.

Ms. O'Shea stated that the Commission does not have the power to change statutory authority by rulemaking. WSCC has the choice of either announcing or not. Announce that we accept the election.

There is no risk in proceeding with rulemaking. Formal process is described in state law and is appropriate for the election procedures because it affects the public. It avoids risk by defining that all districts do the same thing every time, no discretion. It was also noted that public comments do not dictate the outcome of the rule.

The term 'canvass the returns' was discussed. It is a legal term and generally means 'count'. Ms. O'Shea will research the term and respond to the Commission.

PUBLIC COMMENT PERIOD

Mark Clark addressed an earlier comment by Rich Baden. Mr. Clark will discuss the questions and issues with the Field Service Managers. Mr. Clark will also discuss the issues concerning FSA with Rod Hamilton, FSA.

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ELECTIONS

Mark Clark presented the slate of elected candidates.

Commissioner Brown moved to announce the following elections:

<i>Clallam, Robert Forde</i>	<i>Pine Creek, Joe St. John</i>
<i>Cowlitz, Kelly Niemi</i>	<i>San Juan County, Jerry Kasperek</i>
<i>Ferry, John Hamilton</i>	<i>Skagit, Paul Blau</i>
<i>Grays Harbor, Carl Waara</i>	<i>Spokane County, Randy James</i>
<i>Kitsap, Jacqueline Lovely</i>	<i>Underwood, Paul Newell</i>
<i>North Yakima, Dave Alden</i>	<i>Wahkiakum, Norman Bolton</i>
<i>Pacific, Mark Ashley</i>	<i>Whatcom, Jerald Van Dellen</i>
<i>Palouse-Rock Lake, Tracy Eriksen</i>	

Commissioner Selby seconded. Motion passed.

APPOINTMENTS

Commissioner Barker presented the recommended appointment candidates.

Commissioner Barker moved to approve the following supervisor appointments:

<i>Mason, Joseph Kropf</i>	<i>Wahkiakum, Wes Raistakka</i>
<i>Pierce, Lloyd Freudenstein</i>	<i>Warden, Don Underhill</i>

Commissioner Selby seconded. Motion passed.

COMMISSION OPERATIONS

Conservation Delivery System National Association of State Conservation Agencies (NASCA) Review

Mark Clark informed the Commission that the meeting is on the same date as the current July Commission meeting and would like to request that the Commission Meeting date be moved so the Review can be attended by the list of participants. Mr. Clark also requested that a Commission scholarship be awarded to the list of participants because their input is critical to this review process. The cost would be no more than \$2,500.

Commissioner Selby moved to approve \$2,500 for expenses to attend the NASCA Conservation Delivery System Review. Commissioner Boyum. Motion passed.

Discussion followed on who will be attending the Review.

July Commission Meeting Date Change

A query to the Commissioners will be done to determine the available dates.

Governor's Reappointment of Jim Peters

Chair Peters Governor appointed term ends in June 2005. A draft letter was included in the packet. The letter will be signed by Mark Clark.

A discussion was held regarding Chair Peters willingness to continue to serve on the Commission and any issues that may arise due to his recent election as Chair of the Squaxin Island Tribe Council and his duties to the Council.

WSCC Work Plan

Ray Ledgerwood presented the notes of the work session that was held on May 18, 2005. The information will be compiled and presented at the July meeting for approval as plan of action.

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Land Use

At the work session there was discussion regarding the Governor's request for the Commission and districts to engage and provide solutions on land use issues.

Commissioner Barker moved for the Executive Director to draft a letter to the Governor responding to how conservation districts and the Commission could assist in addressing the needs for conservation of the state's agricultural and forest resource lands and present at the July 2005 Commission Meeting. Commissioner Brown seconded. Motion passed.

Discussion followed. Commissioners Boyum, Bahrych and Barker, will assist in writing the letter. It was discussed that conversions of resource lands, process for standards of conversions (particularly for agricultural lands), and defining agricultural lands be included in the letter as well as some substance on convergence issues.

WSCC can work on a process for a preliminary position that just raises the issues. Communication with landowners is important.

Commission Administrative Policies

Consent Agenda – Proposed New Policy of Officers and Committees of the Commission

Commissioner Boyum moved to add “one at-large agency position” to the Policy and Procedure of the Officers and Committees of the Commission proposed policy. Commissioner Adams seconded. Motion passed.

Discussion followed.

Proposed Revised Commission Meeting Agenda

Mary Anderson, Executive Assistant recommended that the existing policy of Commission Meeting Agenda be deleted and included in the Commissioner's Handbook as a procedure.

Commissioner Selby moved to approve the deletion of the Commission Meeting Agenda policy but include as a procedures in the Commissioner's Handbook. Commissioner Stoker seconded. Motion passed.

Proposed Revised Conservation District Audits – Informational Item only

Tom Salzer, Field Service Manager gave an overview of the Conservation District Audits policy.

District audits have a line item in our budget to pay. There have been unanticipated costs exceeding our agreement with the State Auditors Office. A prior motion set policy for a period of time. This draft reaffirms what was stated prior and adds structure as well as differentiates the audits. The proposed policy continues to split costs for regular audits and states that WSCC will not pay for federal audits. Fraud costs are being researched by Commission staff and will propose a recommendation to the Commission. Fraud investigations are very costly.

A discussion followed. A concern was raised regarding the amount of time an auditor takes depending on their experience which affects the cost of the audit. This was noted and will be considered in the draft process.

Proposed Revised Commission Meeting Presentations

Ms. Anderson gave a quick overview of the policy. Suggestions and comments are welcome prior to the July meeting for inclusion in the revision of the policy.

Engineers, Surveyors, Boundaries

Mr. Clark commented on the surveying being done by professional engineers. There is a challenge by surveyors on the extent of surveying that engineers could be allowed to do on surveying and boundary surveys. Currently, cluster engineers perform project surveying within the districts.

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Discussion followed. Agencies such as the Department of Natural Resources, Agriculture and Ecology have standard engineering practices with experience in surveying and boundary surveys. Comments will be presented at the July Commission meeting.

Walla Walla Community College Advisory Board

A board is being put together to serve on the Walla Walla Community College Advisory Board on irrigation curriculum. The term is six months and involves time and commitment of the members. Mr. Clark asked if any of the Commissioners were interested. Commissioner Stoker was interested.

Commissioner Selby moved to appoint Commission staff to represent the Commission on the Walla Walla Community College Advisory Board if a Commissioner is not available. Commissioner Brown seconded. Motion passed.

Legislative Update

Mark Clark gave an update on passed legislation during session.

Commission and districts were successful in securing legislative changes to the authorizing language for Practice Incentive Payment (PIP) loans to include the Continuous Conservation Reserve Program (CCRP) enrollees and eligible participants. However, the actual budget language authorizing expenditures from the Conservation Assistance Revolving Account (CARA) account did not get changed to include the CCRP program. This results in very few choices. If we recommend a veto of the language, we lose the money. We allow the language and appropriation in the budget to stand and continue to the Conservation Reserve Enhance Program PIP loans and make the change in the budget language during the supplemental legislative session in 2006. This was missed by the Office of Financial Management accountants and budget analysts.

A discussion followed. It was suggested that Commission staff notify the appropriate budget staff of the missing language so that the correction can be made. Rod Hamilton, FSA, would like to be informed if a change takes place because it will require an administrative change for FSA.

Legislative Budget Review

Mr. Clark gave an overview of the legislative budget. Legislators passed what the Governor signed.

The Salmon and Watershed Data Pilot funding was consolidated and money appropriated to the Office of the Interagency Committee to be used by the Commission. A request for proposal will be drafted. Tom Salzer and George Boggs would like to be involved.

A discussion followed regarding the pass through for the digester. Creates a good opportunity and helps engage a lot of the projects together and into larger arenas with a coordinated effort with other state agencies. The Governor is on a tour highlighting the digester. It will give the Governor a better understanding of these types of projects.

2005-07 Grant Administration Fees

Mr. Clark reported that Commission staff is examining the current administrative charge percentages.

Kudos to Mr. Clark on the balance and fairness of the administrative costs.

Commissioner Selby noted that the Water Quality Account and the Centennial Clean Water fund continue to decline. The final amount in the budget was less than what was in the governor's budget, the Senate's budget and the House's budget. This reduced the amount of grants Ecology will be able to give. Several of the projects that will not be funded were for conservation districts. Although the Commission did get an increase in Water Quality Account funding, it wasn't a case of money being taken from Ecology to give to the commission. The revenue to the Water Quality Account continues to decrease and the demands continue to increase.

FIELD SERVICE MANAGERS REPORT

Ray Ledgerwood, Program Coordinator, gave the report. The Field Service Managers are holding monthly meeting.

Central Regions Field Service Manager, Butch Ogden

- Foster Creek DOR completed with no follow up items!
- Local Workgroup
- 5-Year Plans – several completed.

Southwest Region Field Service Manager, Tom Salzer

- WACD District Operations Review – Kudos to Tom.
- Service Strategies for Districts
- Information Technology Activities – Numerous

Eastern Region Field Service Manager, Bill Broughton

Assist in Conservation Grant Reviews – Three of four done

Puget Sound Region Field Service Manager, Stu Trefry

- Long Range Plans - Clallam and Skagit
- New Supervisor Training - Two new board members at Whidbey Island CD

Larry Cochran of Palouse CD commented that Senator Schoesler was impressed that Stu Trefry went to his house and appreciated the visit and it made a difference in the overall scheme of themes.

Washington State Association of Conservation Districts Annual Meeting Request

John Larson, WACD Executive Director presented the letter requesting \$10,000 to help defray the costs of speaker fees and training support for supervisors attending the 2005 Annual Meeting. This letter is a preliminary for discussion at the July Commission Meeting.

Special June 2005 Commission Meeting

The Conservation Reserve Enhancement Program Committee has a meeting in scheduled in early June. A special meeting will be needed to distribute the funding recommendation from the Committee.

CHAIR COMMENTS

Chair Peters acknowledged and thanked the Commission staff for their diligence and hard work. Many positive comments from the districts are being heard on how Commission staff have stepped up. There is great appreciation for the Commission staff. Appreciation was given to the Commission members for their support. Chair Peters will do his best with his competing schedules.

Special thanks was given to Commissioner Adams and Hans Kok (WSU) for their time and to Ray and Cindy Ledgerwood for the use of their home for the evening work session.

Gus Hughbanks (NRCS) thanked Cheryl Witt for her hard work on the Technical Service Provider agreements and the hard work that is yet to come.

NEXT COMMISSION MEETING

A Special Meeting will be held telephonically in June 2005 for the Conservation Reserve Enhancement Program funding distribution.

The Regular July 2005 Commission Meeting will be scheduled on another date. Information will be provided on our website. The meeting will be held in Moses Lake, Washington.

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2 **ADJOURNMENT**

3 Chair Peters adjourned the meeting at 4:10 p.m.